

REMARKS

The final Action mailed October 28, 2004, has been carefully studied. Upon entry of the amendment above, the claims in the application will be claims 1-4, and 6-12, claims 3 and 7-11 having been withdrawn as being drawn to non-elected subject matter. Applicants again respectfully request withdrawal of the restriction requirement and the rejections, and allowance of all of applicants' claims, along with entry of the amendments presented above.

Applicants propose to add a new claim 12 which applicants believe does not really add anything except make explicit what is already inherently present in claim 1, i.e. that the bottom of the preform is closed (that is what a "bottom" is), as it must be from what is already recited in claim 1. Claims 4 and 6 are proposed to be similarly amended.

As regards the restriction requirement, applicants reserve the right to petition this matter prior to the filing of an Appeal.

As regards the rejection of record, applicants respectfully repeat by reference the remarks of the preceding Reply. Applicants respectfully submit that the PTO has not established a *prima facie* case of obviousness as required by the regulations.

Applicants submit herewith a copy of U.S. patent 4,824,618 in the name of Strum et al, which shows basically the same method for producing a body as is disclosed in Nakagawa (direct blow molding). Strum clearly shows that the bottle has a gate mark at the bottom (Fig. 4B and Fig. 5 of Strum). It is common knowledge for those skilled in the art that the product made by direct blow molding from an extruded parison has such a gate mark, as applicants have pointed out in the past, and this is clearly evidenced by the attached Strum patent.

On the other hand, a bottle made according to the present invention has no gate mark because the claimed preform is produced by compression molding. This is evidence of a clear difference between applicants' claimed preform and Nakagawa's parison.

The reason for the difference of the orientation between inner surface and outer surface of the claimed preform is shown in the attached sketch.

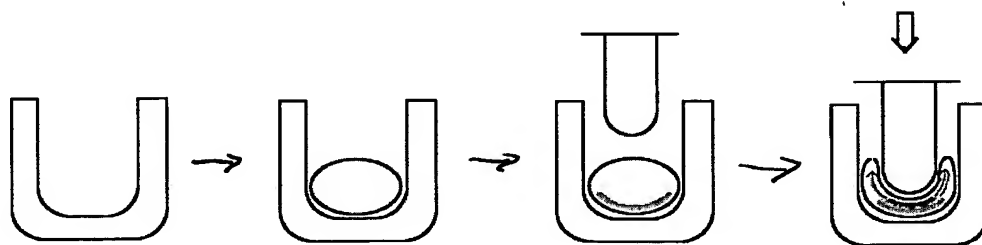


Fig. a

Fig. b

Fig. c

Fig. d

The peak width at half height of the outer surface (shaded part in Fig. c) and the inner surface (part contacted by the core in Fig. d) is different, because of the differences in orientation.

That is, the peak width at half height of the outer layer is larger than that of the inner layer. It is an important characteristic of the present invention.

Nakagawa does not disclose nor does it suggest the peak width at half height of the bottom of a container, which is an important characteristic of the present invention. The Official Action dated May 18, 2004, page 6, lines 8-14, states that "at the center of the bottom portion, a half-width of a diffuse scattering peak by an x-ray diffraction of a surface of the outer layer is larger than a half-width of a diffuse scattering peak by an x-ray diffraction of a surface of the inner layer, **because the three layers are transparent plastics such as polyethylene and ethylene vinyl acetate**". But this is not correct. Transparency of plastics is not necessary for the difference of the peak width at half height on the inner and outer surface of the preform. The difference is caused by the method of manufacturing of the preform.

In addition, Yamada also does not disclose nor suggest the peak width at half height of the bottom of a

container, which is an important characteristic of the present invention.

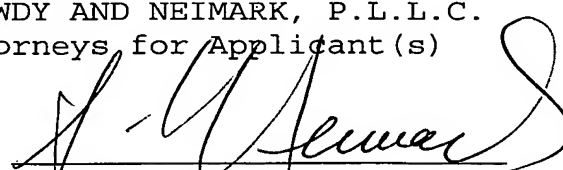
Applicants submit that there should be no doubt whatsoever of the difference between applicants' claimed preform and the extruded parison of Nakagawa, and that any combination of Yamada with Nakagawa (even if such combination were obvious), by which Nakagawa is modified by something taught by Nakagawa, would not change this basic difference. Respectfully, the PTO has not met its burden in establishing a *prima facie* case of obviousness, and the rejection should be withdrawn. Such is respectfully requested.

Applicants believe that all issues raised in the Final Action have been addressed above and/or previously. Applicants respectfully request favorable reconsideration, entry of the amendments presented above, and allowance.

Respectfully submitted,

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